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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,209	09/09/2003	Toshiyuki Noguchi	00862.023227.	9145
5514 7590 09/19/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER PATEL, MANGLES M	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/657,209

Applicant(s)

NOGUCHI, TOSHIYUKI

Examiner

Manglesh M. Patel

Art Unit

2178

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 16, 18 & 20-21.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 9/11/2007  
13. ☐ Other: \_\_\_\_\_.

## Information Disclosure Statement

The information disclosure statement (IDS) submitted on 9/11/2007 has been entered, and considered by the examiner.


## Response to Arguments

Applicant argues: "This is quite different from the invention in which an object is to not necessarily to select an appropriate printer in a vicinity of the device, particularly since the printer of the invention is already connected to the communication apparatus, but rather is to select processing conditions of the print-job based on recommended conditions and conditions acquired from a print driver program. (see pg 8, paragraph 1)

However the Examiner Respectfully disagrees: The preamble of claim 16 states "...via a network and connects to a printer..." similarly the wireless device connects to the printer in Ohta. Furthermore Ohta states "In response to the broadcasted search signal, the print stations each send information on their printer characteristics such as availability status and print resolution to the portable digital device, a print server or a client that originated the print request." (see abstract). Thus recommended conditions are specified by the printer via printer characteristics. Furthermore he discloses the use of print drivers (see column 7, lines 44-50).

Applicant Argues: Applicants fail to see any connection between Lin and receiving a recommended printing condition list from an information providing apparatus. Moreover, Lin is not seen to then acquire printing conditions from a printer driver program corresponding to a printer connected to the client terminal. Further, Applicants fail to see a connection in extracting a printing condition list from a recommended printing condition list based on printing conditions acquired from the print driver program. (see pg 9, paragraph 1).

However The Examiner Respectfully disagrees: The Lin reference discloses a universal printer driver shown in figure 1 where each client includes a universal print driver associated with at least one printer. Lin teaches a universal print driver that includes receiving a condition list that includes the features of the printer. Instead of installing multiple drivers the universal driver allows a user to access all the properties of multiple printers located on a network, those properties are the condition list as shown in figure 7. Further fig 7 & column 2, lines 30-61 teaches wherein the browser allows the user to select a specific printer, therefore it includes a printer list and its printing properties such as paper size, paper source etc. Ohta teaches a device connecting to a network to access a group of printers. Lin also teaches a device accessing a group of printers further allowing the device to have all the features of a particular printer by having a universal driver; these features make up the printing condition list. Both Lin and Ohta are analogous art because they are from the same field of endeavor of network printing that teaches using a print driver. The following references provide a reasonable suggestion and teaching for the claims to the skilled artisan.

  
CESAR PAULA  
PRIMARY EXAMINER